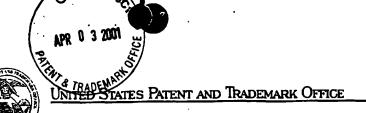


PATENT	Dkt No. X11766B Atty TMT			
RECEIVED BY THE UNITED STATES PAT	ENT & TRADEMARK/ 'FFICE			
Org, CIP, Div X , Con, Prov Application of: Skatrud, et al. 2	, PCT Nat'l, CPA			
Titled: Multiple Drug Resistance Gene	atrD of			
Aspergillus Nidulans				
Consisting of Fee Transmittal, Utility Patent Transic Claims, Abstract, Specification (31 pages), Draw Declaration and Power of Attorney X Preliminary Amendment X Recordation/Assignment Miscellaneous Papers:	National Phase Declaration Stmt 821; Diskette IDS/1449 X			
Fee Transmittal Utility Patent Application Express Mail Label No. EL342554508US	1c715 U.S. PTO 09/758828 Transmantal Hill Hill 01/11/01			



COMMISSIONER FOR PATENTS United States Patent and Trademark Office Washington, D.C. 20231

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APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/758,828

01/11/2001

Paul Luther Skatrud

X-11766B

CONFIRMATION NO. 8530

FORMALITIES LETTER

OC00000005766245

Tina M. Tucker Eli Lilly and Company Lilly Corporate Center Patent Division DC: 1104 Indianapolis, IN 46285

Date Mailed: 02/14/2001

du 4-14-01

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 16-28 of the specification (description and claims).
- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the PTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.
- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing





• figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Independe	ent	-3 * * =	T x	80 =	122	130	122	130	Petitions to the Commissioner	130
Multiple	Dependent t time)	Claims	X	270 =	123	50	123	50	Petitions related to provisional applications	
					126	240	126	240	Submission of Information Disclosure Stmt.	
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	581	40	581	40	Recording each patent assignment per property (times number of properties)	
103	18	203	9	Claims in excess of 20	146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
102	80	202	39	Independent claims in excess of 3	149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
104	270	204	135	Multiple dependent claim	179	710	279	355	Request for Continued Examination (RCE)	
109	78	209	39	Reissue independent claims over original patent	169	900	169	900	Request for expedited examination of a design application	
110	18	210	9	Reissue claims in excess of 20 and over original patent						
						Other fee (specify)				
					Other	fee (spec	cify)			
	number pre		paid, if	(\$0.00)	*Reduce	đ by Basic	Filing Fe	e Paid	SUBTOTAL (3) (\$130.00)	
Complete /if applicable)										

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on the date appearing below.

ELI LILLY AND COMPANY

Sinda m. Dunbin

Tina M. Tucker

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Signature

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Monch 28, 2001

Reg. Number

Date

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